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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF THE  
PARTIES' REVISED JOINT CASE  
MANAGEMENT STATEMENT**

23 vs.

24 UBER TECHNOLOGIES, INC.;  
25 OTTOMOTTO LLC; OTTO TRUCKING  
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests  
 2 to file under seal information in the parties’ Revised Joint Case Management Statement (“Statement”),  
 3 filed concurrently herewith. Specifically, Waymo requests an order granting leave to file under seal  
 4 the portions of the document as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Statement	Highlighted in Green	Waymo

7 **I. LEGAL STANDARD**

8 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or  
 9 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under  
 10 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored  
 11 to seek sealing only of sealable material.” *Id.* Both the California Uniform Trade Secrets Act and the  
 12 Defend Trade Secrets Act provide for maintaining the confidentiality of alleged trade secrets. Cal.  
 13 Civ. Code § 3426.5 (“In an action under this title, a court shall preserve the secrecy of an alleged trade  
 14 secret by reasonable means, which may include . . . sealing the records of the action[.]”); 18 U.S.C. §  
 15 1835(a) (“[T]he court shall enter such orders and take such other action as may be necessary and  
 16 appropriate to preserve the confidentiality of trade secrets[.]”).

17 **I. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

18 The Court should seal the portions of Waymo’s Statement (portions highlighted in green)  
 19 identified by Waymo in the table above. Waymo seeks to file this information under seal because it  
 20 discloses Waymo’s trade secrets and confidential business information. *See Declaration of Lindsay*  
 21 *Cooper (“Cooper Decl.”), ¶¶ 3-5.* Courts have determined that trade secret information merits sealing.  
 22 *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at  
 23 \*1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns*  
 24 *Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17,  
 25 2013) (granting request to seal document that “consists entirely of descriptions of Brocade’s trade  
 26 secrets.”). Confidential business information that, if released, may “harm a litigant’s competitive  
 27 standing” also merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978).

1 Waymo seeks to seal confidential business information and trade secret information that fit squarely  
 2 within these categories. Cooper Decl. ¶¶ 3-5. Waymo maintains this information as a trade secret  
 3 (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security protocols  
 4 (*see* Dkt. 25-47; Dkt. 25-49.). *See* Cooper Decl. ¶ 4. Waymo has narrowly tailored its requests to  
 5 only information meriting sealing. *Id.* ¶ 5. In fact, both *Music Grp.* and *Brocade* found the  
 6 confidential information at issue in those cases met the heightened “compelling reasons” standard for  
 7 sealing. *Music Grp.*, 2015 WL 3993147, at \*1; *Brocade*, 2013 WL 211115, at \*1, \*3. The disclosure  
 8 of Waymo’s trade secret and confidential business information would harm Waymo. Cooper Decl. ¶  
 9 4. Moreover, the scope of information that Waymo is seeking to seal is consistent with other  
 10 administrative motions to seal that have already been granted by the Court in this case. (*See* Dkt. 416,  
 11 414, 406, 393, 392.) Thus, the Court should grant Waymo’s administrative motion to seal.

13 **II. CONCLUSION**

14 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
 15 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
 16 Waymo respectfully requests that the Court grant Waymo’s administrative motion to file under  
 17 seal.

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 19 DATED: June 1, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
 20 LLP

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 23 Attorneys for WAYMO LLC

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